

REMARKS

This is a response to the non-final Official Action dated July 28, 2004.

Applicants note that the filing date of the present application is August 5, 2003 in accordance with the Decision on Petition dated September 17, 2004.

Applicants are submitting 2 sheets of formal drawings herewith of Figures 18-20, which were inadvertently omitted with the filing of the present application. In accordance with the Decision on Petition dated September 17, 2004, and MPEP 201.06(c), entry of the drawings is appropriate and is hereby respectfully requested.

The application has been objected to for introducing new matter in the claim language “a middle of a therapy” and “predetermined power supply” in claims 17 and 28. Applicants respectfully disagree with this assertion. Nevertheless, without conceding to the propriety of the objection, and to facilitate allowance of the application, claims 17 and 28 are amended to refer to “during a treatment” (see the specification, e.g., page pages 9-10, bridging paragraph, describing Fig. 14) and “predetermined supply condition”. Regarding the latter, a predetermined or prescribed supply of power is provided by the supplied power setting circuit when a detected result of a detecting circuit reaches a target value. See, e.g., the specification, page 6, lines 13-18.

The amendments to claim 17 are also believed to address the objection to claim 17.

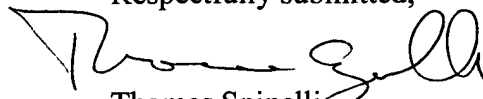
Claims 17-28 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 7-14 and 16 of U.S. patent 6,635,057, which issued based on the parent to the present continuation application. Without

conceding to the propriety of the objection, and to facilitate allowance of the application, a terminal disclaimer is enclosed herewith to obviate the rejection.

Withdrawal of the objections and rejection is therefore respectfully requested.

In view of the above, the application is believed to be in condition for immediate allowance. Early and favorable consideration is therefore respectfully requested. The Examiner is requested to telephone the undersigned if there are any further issues to address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas Spinelli", written over a horizontal line.

Thomas Spinelli
Registration No.: 39,533

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343

TS:RH:kc

Amendments to the Drawings:

Applicants are submitting 2 sheets of formal drawings herewith of Figures 18-20, which were inadvertently omitted with the filing of the present application. In accordance with the Decision on Petition dated September 17, 2004, and MPEP 201.06(c), entry of the drawings is appropriate and is hereby respectfully requested.